



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

JLP:ddj
Docket No: 4445-00
24 October 2000

ATC(AW) [REDACTED] USN
[REDACTED]

Dear CHIEF PETTY OFFICER [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 October 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1780 PERS 604 of 23 August 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1780
PERS-604

23 AUG 2000

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO
ATC(AW) [REDACTED] USN, [REDACTED]

Ref: (a) CNPC memo 5420 PERS-00ZCB of 26 Jul 00
(b) Title 38, United States Code, Chapter 32
(c) Title 38, United States Code, Chapter 30
(d) Veterans Benefits Improvement and Health-Care
Authorization Act of 1986, Public Law No. 99-576

1. The following is provided in response to reference (a):

a. Recommend denial of ATC(AW) [REDACTED]'s request to enroll in the Veterans Educational Assistance Program (VEAP) or the Montgomery GI Bill (MGIB) Program. Per reference (b), VEAP was available to members who entered the military for the first time between 1 January 1977 and 30 June 1985. It was closed to new enrollments on 30 June 1985, but reopened for a five-month period from 28 October 1986 to 31 March 1987. This program was officially closed in 1987. Members who did not enroll by these deadlines lost their eligibility. The MGIB Program is available for members who entered active duty for the first time after 30 June 1985. Reference (c), the law governing the MGIB Program, does not provide for conversion of VEAP eligibility to the MGIB Program except for individuals separating from active duty under the Voluntary Separation Incentive, Special Separation Benefit, or certain involuntary separations.

b. Members were offered VEAP when they initially entered active duty and made their election whether or not to enroll. Unfortunately, there was no requirement to maintain members' VEAP enrollment election forms in service records or on microfiche. Regarding ATC(AW) [REDACTED] statement of "...I was not informed by my recruiter about the opportunity to participate in VEAP," the law did not require VEAP briefings. Additionally, reference (d), the law covering the VEAP open period, required the Secretary of Defense to "carry out activities for the purpose of notifying to the maximum extent feasible," eligible individuals of the opportunity to enroll prior to 1 April 1987. In order to notify servicemembers of this open period, Navy released two NAVOPs, one in October 1986 and a second in March 1987. Furthermore, this office coordinated with Navy Times

